



TOWN OF BEAUX ARTS VILLAGE
BOARD OF ADJUSTMENT
MINUTES

April 2, 2008
Stefan

PRESENT: Board Chairman Steven Hauck, Board members Robin Stefan, Peggie Bates, and Gail D'Alessio.

EXCUSED: Board member Steve Matsudaira

GUESTS: Town Planner Mona Green; Applicants Donna and Alan Smallman, Applicant Sylvia Hobbs, Nancy and Bob Solibakke.

DEPUTY TOWN CLERK: Angela Kulp

Chairman Hauck called the meeting to order at 7:38 pm.

PUBLIC HEARING No.1:

Chairman Hauck opened the public hearing at 7:38 pm.

SMALLMAN REQUEST FOR VARIANCE #V08-1 (Lot 2, Block 12)

REMODEL- VARIANCE REQUEST 1:

Chairman Hauck stated that Applicants Alan and Donna Smallman are requesting a variance to expand the footprint of their residence and accomplish an interior remodel.

In appearance of fairness, Chairman Hauck asked if there had been any *ex parte* contacts on any this application for either request. Member Stefan stated she received a phone call from resident Helen Lewis in support of both requests on this application but it did not influence her judgment on the case.

Deputy Clerk Kulp noted for the record that public notices for 10505 SE 29th St. were posted, published, and mailed to property owners within 300 feet of the property as required by Town Ordinance No. 258 on March 19, 2008 and that this matter is properly before the Board of Adjustment.

The following exhibits were submitted for both requests:

- Exhibit A - Applicant's Application, Supporting Documents and Plans (2/20/08)
- Exhibit B - Staff Analysis Report (3/24/08)
- Exhibit C - Public Hearing Notices

Staff Report:

Chairperson Hauck asked Town Planner Green to give her staff report.

Ms. Green stated that the applicants Alan and Donna Smallman seek relief from Sections 8.B and 8.C of the Town of Beaux Arts Village Zoning Code Ordinance (No.349) in order to continue an intrusion into the required side and rear setback areas. The proposed 208 square foot kitchen/mudroom addition and 70 square foot covered front porch addition will not increase the nonconformity.

VARIANCE CRITERIA & ANALYSIS

The Smallmans are asking the Board of Adjustment to consider in the variance request that the proposed kitchen addition will be built on top an existing deck built with an approved variance and neither addition will increase the nonconformity of the current structure.

Section 17 of Ordinance 349 allows the Board of Adjustment to vary the provision of Section 8 provided the board finds that all five variance criteria are met.

No variance shall be approved or approved with modifications unless the Board finds that all of the following five criteria have been met:

1. The variance will not constitute a grant of special privilege inconsistent with the limitations upon uses of other properties in the Town.

Applicants satisfy this criterion. The Smallman residence is a nonconforming structure. The project will not increase the nonconformity. The kitchen/mudroom addition is not a special privilege.

2. The granting of the variance will not be materially detrimental to the public welfare or injurious to other properties or improvements in the Town. It will be consistent with the Town's Comprehensive Plan.

Applicants satisfy this criterion. The addition is located between two existing structures. The Town has not received any comments from the public.

3. The variance is necessary because of special circumstances relating to the size, shape, topography, location, surroundings, and special features of the subject property.

Applicants satisfy this criterion. The residence is an existing non-conforming structure. The proposed addition is within the allowable building area.

4. The need for a variance has not arisen from actions previously taken by the applicant (owner).

Applicants satisfy this criterion. According to Town records, the previous owner originally constructed the home with a variance.

5. *It is the minimum necessary to permit the owner reasonable use of the property.*
Applicants satisfy this criterion. The addition does not change the fact that the property is a non-conforming structure. The addition must conform to current Gross Floor Area and Maximum Lot Coverage requirements.

CONCLUSION

Planner Green stated that applicants satisfy all of the five variance criteria and recommended approval of Request 1 on Variance 08-01 for Remodel.

Applicant Presentation:

Chairperson Hauck asked the Applicants to present their request. Alan Smallman stated that he and his wife, Donna reside at 10505 SE 29th St. In response to the five BOA Variance criteria to Ordinance No. 349, Section 17, Mr. Smallman summarized the proposed additions meet the variance criteria as follows:

1. The pre-existing non-conformity of the house requires the applicants to seek a variance for any work done. The additions as proposed conform to the town's zoning regulations and do not constitute a grant of special privilege.
2. All improvements proposed will be constructed within current zoning restrictions. The additions will not impede views nor require the removal of any trees. The 208 SF addition will be constructed in the area where an existing wood deck now occupies the site so does not add to the existing footprint of the house. The 70 SF porch addition adds to the modulation of the front of the house and accentuates the front entry.
3. The pre-existing non-conformity of the house and garage encroaching into the setbacks require a variance for any remodel or addition.
4. The existing house is non-conforming due to current setbacks and any work to remodel or add to the structure would require a variance.
5. To bring the house into conformity with the zoning regulations would require major reconstruction, which is cost prohibitive to the owners.

PUBLIC TESTIMONY

Chairperson Hauck asked if there were any questions for Town Planner Green or the applicant, Mr. Smallman, there were none. Chairperson Hauck then asked for comments from the public. Deputy Clerk Kulp did not receive any written letters to be read into the record. Nancy and Bob Solibakke stated they were in support of the remodel project.

SMALLMAN REQUEST FOR VARIANCE #V08-1 (Lot 2, Block 12)

GAZEBO- VARIANCE REQUEST 2:

Chairman Hauck stated that Applicants Alan and Donna Smallman are requesting a variance to keep their gazebo in its current location.

Staff Report:

Chairperson Hauck asked Town Planner Green to give her staff report.

Ms. Green stated that the applicants Alan and Donna Smallman seek relief from Section 8.A of the Town of Beaux Arts Village Zoning Code Ordinance (No.349) in order to retain a gazebo that was constructed in 2006/2007 within the required 20' front setback. The gazebo intrudes approximately 9' into the setback area. Ms. Green also noted for the record the gazebo was constructed in the past two years without any permits. While a building permit is not required for construction under \$1500, the Zoning Code requires that all structures must be sited in conformance with the established setbacks. This request for variance is "after-the-fact" in an effort to make this "illegal non-conforming" structure into a "legal non-conforming" one. The Zoning Code allows certain structures within the setback; however, gazebos are not included in the list.

VARIANCE CRITERIA & ANALYSIS

The Smallmans are asking the Board of Adjustment to consider in the variance request that the gazebo did not need a building permit per Ordinance No.265 Section 1.A and they did not know it was in the setback when they constructed it.

Section 17 of Ordinance 349 allows the Board of Adjustment to vary the provision of Section 8 provided the board finds that all five variance criteria are met.

No variance shall be approved or approved with modifications unless the Board finds that all of the following five criteria have been met:

1. The variance will not constitute a grant of special privilege inconsistent with the limitations upon uses of other properties in the Town.

Applicants satisfy this criterion. A gazebo would be considered an accessory structure which is consistent with the Code's definitions and therefore not a special privilege.

2. The granting of the variance will not be materially detrimental to the public welfare or injurious to other properties or improvements in the Town. It will be consistent with the Town's Comprehensive Plan.

It is not known whether the gazebo is materially detrimental to the public welfare or injurious to other properties or improvements in the Town. The

Comprehensive Plan does not specifically mention gazebos and the Town has not received any complaints from the public.

3. The variance is necessary because of special circumstances relating to the size, shape, topography, location, surroundings, and special features of the subject property.

Applicants do not satisfy this criterion. There are no special circumstances that would necessitate the siting of an accessory gazebo structure within a setback area.

4. The need for a variance has not arisen from actions previously taken by the applicant (owner).

Applicants do not satisfy this criterion. The gazebo was constructed in its present nonconforming location without the benefit of plan review, which would have shown that the location is not in an allowable area.

5. It is the minimum necessary to permit the owner reasonable use of the property.

Applicants do not satisfy this criterion. Reasonable use of the property may be attained without the gazebo in a non-conforming location.

CONCLUSION

Planner Green stated that applicants do not satisfy variance criteria 3, 4 and 5 and may not satisfy criteria 2. Staff recommends denial of this Request No.2 on Variance 08-01 for Gazebo.

Applicant Presentation:

Chairperson Hauck asked the Applicants to present their request. Alan Smallman stated that he and his wife, Donna reside at 10505 SE 29th St. In response to the five BOA Variance criteria to Ordinance No. 349, Section 17, Mr. Smallman summarized the proposed additions meet the variance criteria as follows:

1. The pre-existing non-conformity of the house encroaching in the setbacks requires the applicants to seek a variance for any work done. The gazebo built conforms to the town's zoning regulations for accessory structure definitions and does not constitute a grant of special privilege.

2. All improvements proposed will be constructed within current zoning restrictions. The additions will not impede views nor require the removal of any trees. The existing gazebo is nestled in a group of existing significant trees and has been embraced by the neighborhood as a visual asset.

3. The pre-existing non-conformity of the house and garage encroaching into the setbacks require a variance for any remodel or addition. Because of the location of the existing house and the sloping topography of the site there is little remaining site area for the location of the gazebo.

4. The existing house is non-conforming due to current setbacks and any work to remodel or add to the structure would require a variance. The gazebo is a temporary accessory structure less than 120 SF and did not require a building permit per Ordinance No.265, Section 1.A and the State Building Code RCW 19.27.060 Sect.(7)(a).

5. To bring the gazebo into conformity with the zoning regulations would require relocation of the structure, which is cost prohibitive to the owners.

PUBLIC TESTIMONY

Chairperson Hauck asked if there were any questions for Town Planner Green or the applicant, Mr. Smallman, there were none. Chairperson Hauck then asked for comments from the public. Deputy Clerk Kulp did not receive any written letters to be read into the record. Nancy and Bob Solibakke stated they were in support of the gazebo project. Nancy Solibakke noted the gazebo is sided by three streets so it is not hurting anyone and it is beautiful. Bob Solibakke stated there seems no reason to deny the gazebo its current location if it is not impeding current or future neighbors.

Chairperson Hauck closed the first public hearing at 8:20pm.

DISCUSSION of both variance requests for V08-1:

There were not any concerns to be discussed about the remodel request. For the gazebo, Board member Bates asked Ms. Green for clarification on wording of criterion 2 and noted the importance of following the law in front of us as we cannot change it, but only enforce it.

Board member D'Alessio shared the importance in the Comprehensive Plan to maintain light, openness, air and minimize bulk. She noted the gazebo is consistent with these issues. She also explained to the Smallmans that even if they had come to the Board about building the gazebo before constructing it, discussions could have ensued about it being made smaller, but 9' into the setback is just too much.

Chairperson Hauck stated he thought it was a handsome gazebo and would love to see it moved and maintained elsewhere on the site. He also noted that many other jurisdictions have the same kind of law and they would not approve the gazebo intruding in the setback, as not all five criteria tonight had been met.

Board member Stefan shared she felt the gazebo was not detrimental to the public so therefore criterion 2 is met. She felt the steep slope and mature conifer to be saved would be special features of criterion 3 and therefore met. Ms. Stefan stated she would like to see a letter showing violation but allowing the gazebo to stay which would fall under approval with conditions.

The other board members agreed unless they could say “yes” to all five criteria, an approval with or without conditions could not be granted. They all agreed there was no way to satisfy criteria 4 and 5 so therefore there is no way to approve this variance request for the gazebo. The Board members agreed with Mona’s staff report that by the Smallman’s actions previously taken of not asking for a variance before the gazebo was built, which was needed, therefore gives a “no” answer to criterion 4. The Board members also agreed that the Smallman’s did have another location – next to the house at the bottom of the hill- in which to position the gazebo so a variance was not the minimum necessary for reasonable enjoyment and it doesn’t matter if they don’t like that location. The Board members agreed the current location may be the most attractive, but “gazebo” is not mentioned as an allowable structure in the setback per the Zoning Code, Ordinance 349, Section 8.H. If anything, a gazebo would be considered a ground level structure, and subject to the setback requirements of Section 8.

Board member D’Alessio also pointed out the letter Ms. Stefan suggested is usually used when the issue is between the Town and private property. In this case, the Town property is not involved; the issue is completely on the Smallman’s land and the gazebo is just in an illegal location. Board member Stefan asked if there was any other way to allow the gazebo to stay or recourse to a denied variance. Town Planner Green stated there is an appeal process through the Town Council with a closed hearing, which begins counting 14 days from when the findings document is signed by the Acting Chairman. Board member D’Alessio explained the details of the process to the other Board members.

The Board members have reviewed the application submittal for Variance 08-01 against the five variance criteria of Ordinance No.349, Section 17.

MOTION: Chairman Hauck moved to conduct a VOTE on each of the five criteria needed for each request. Board member D’Alessio seconded.

**From the foregoing findings, the board makes the following
CONCLUSIONS, for V08-1 Remodel:**

1. The variance will not constitute a grant of special privilege inconsistent with the limitations upon uses of other properties in the Town

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

The Board is unanimous that Criterion 1 is satisfied.

2. The granting of the variance will not be materially detrimental to the public welfare or injurious to other properties or improvements in the Town. It will be consistent with the Town's Comprehensive Plan.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

The Board is unanimous that Criterion 2 is satisfied.

3. The variance is necessary because of special circumstances relating to the size, shape, topography, location, and special features of the subject property.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

The Board is unanimous that Criterion 3 is satisfied.

4. The need for a variance has not arisen from actions previously taken by the applicant (owner).

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

The Board is unanimous that Criterion 4 is satisfied.

5. It is the minimum necessary to permit the owner reasonable use of the property.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

The Board is unanimous that Criterion 5 is satisfied.

Variance No. 08-1 does satisfy all five of the variance criteria.

DECISION: MOTION: Based on the foregoing findings and conclusions

Variance No. 08-1 Remodel does satisfy the five variance criteria and is hereby approved.

From the foregoing findings, the board makes the following

CONCLUSIONS, for V08-1 Gazebo:

1. The variance will not constitute a grant of special privilege inconsistent with the limitations upon uses of other properties in the Town

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

The Board is unanimous that Criterion 1 is satisfied.

2. The granting of the variance will not be materially detrimental to the public welfare or injurious to other properties or improvements in the Town. It will be consistent with the Town's Comprehensive Plan.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

The Board is unanimous that Criterion 2 is satisfied.

3. The variance is necessary because of special circumstances relating to the size, shape, topography, location, and special features of the subject property.

Vote: 1 For, 3 Against, 0 Abstain. Motion denied.

The Board notes that Criterion 3 is not satisfied.

4. The need for a variance has not arisen from actions previously taken by the applicant (owner).

Vote: 0 For, 4 Against, 0 Abstain. Motion denied.

The Board is unanimous that Criterion 4 is not satisfied.

5. It is the minimum necessary to permit the owner reasonable use of the property.

Vote: 1 For, 3 Against, 0 Abstain. Motion denied.

The Board notes that Criterion 5 is not satisfied.

Variance No. 08-1 does not satisfy all five of the variance criteria.

DECISION: MOTION: Based on the foregoing findings and conclusions Variance No. 08-1 Gazebo does not satisfy the five variance criteria and is hereby denied.

Deputy Clerk Kulp explained to both the Board and all applicants that she would prepare Findings of Fact based on tonight's proceedings and forward them to Town Attorney Wayne Stewart for review and then to Chairman Hauck for review, approval and signature. She added that, when approved, copies of the Findings would be distributed to the Board and all applicants as appropriate.

PUBLIC HEARING No.2:

Chairman Hauck opened the public hearing at 9:07pm.

HOBBS REQUEST FOR VARIANCE #V08-2 (Lot 2 and 8, Block 10)

PATIO COVER:

Chairman Hauck stated that Applicant Sylvia Hobbs is requesting a variance to construct a patio cover over a non-conforming patio.

In appearance of fairness, Chairman Hauck asked if there had been any *ex parte* contacts on any this application for either request. Member Stefan stated she received a phone call from resident Helen Lewis in support this request on this application but it did not influence her judgment on the case.

Deputy Clerk Kulp noted for the record that public notices for 2815 – 105th Avenue SE. were posted, published, and mailed to property owners within 300 feet of the

property as required by Town Ordinance No. 258 on March 19, 2008 and that this matter is properly before the Board of Adjustment.

The following exhibits were submitted for both requests:

- Exhibit A - Applicant's Application, Supporting Documents, Plans, Photos (3/11/08)
- Exhibit B - Staff Analysis Report (3/24/08)
- Exhibit C - Public Hearing Notices

Staff Report:

Chairperson Hauck asked Town Planner Green to give her staff report.

Ms. Green stated that the applicant Sylvia Hobbs seeks relief from Section 8.B of the Town of Beaux Arts Village Zoning Code Ordinance (No.349) in order to construct a patio cover. The proposed cover will intrude into the north side yard setback approximately 1'9". The patio is non-conforming because of structural encroachments into both side yard setbacks. The Zoning Code allows certain structures within setback area and 18" of the patio cover have been excluded from the variance request per Section 8.H of the Code.

VARIANCE CRITERIA & ANALYSIS

Ms. Hobbs is asking the Board of Adjustment to consider in the variance request that the original home was built to the zoning codes applicable at the time of construction in 1962. At that time, the north and south side setbacks were well within the 5 feet allowance.

Section 17 of Ordinance 349 allows the Board of Adjustment to vary the provision of Section 8 provided the board finds that all five variance criteria are met.

No variance shall be approved or approved with modifications unless the Board finds that all of the following five criteria have been met:

1. The variance will not constitute a grant of special privilege inconsistent with the limitations upon uses of other properties in the Town.

Applicant satisfies this criterion. Construction of a patio cover is not a special privilege.

2. The granting of the variance will not be materially detrimental to the public welfare or injurious to other properties or improvements in the Town. It will be consistent with the Town's Comprehensive Plan.

Applicant satisfies this criterion. The patio cover will not be visible from neighboring properties. The patio cover, as an extension of the residence, is

consistent with the Comprehensive Plan. The Town has not received any public comments.

3. The variance is necessary because of special circumstances relating to the size, shape, topography, location, surroundings, and special features of the subject property.

Applicant may or may not satisfy this criterion. Any special circumstance would be due to the nonconforming status of the existing residence, rather than a special circumstance relating to the size, shape, topography, location, surroundings, and special features of the property. However, at the time the residence and patio were constructed, the side setbacks were 5' rather than the 10' required today.

4. The need for a variance has not arisen from actions previously taken by the applicant (owner).

Applicant satisfies this criterion. It is believed that the existing residence was constructed with all appropriate permits and approvals, in conformance with the 1962 Zoning Code.

5. It is the minimum necessary to permit the owner reasonable use of the property.

Applicant may or may not satisfy this criterion. While "reasonable use" of the property may be attained without a patio cover intrusion into the setback, aligning the patio with the north wall of the residence is the minimum necessary to cover the patio completely and match the dimension of the side of the house. The Applicant could be required to pull back the cover 1'9" to conform to the setback requirements; however, this would leave a strip of the patio exposed to the weather and would jog in from the side of the house.

CONCLUSION

Planner Green stated that applicant satisfies Variance Criteria 1, 2 and 4 and may or may not satisfy Criteria 3 and 5. Testimony and discussion at the Public Hearing may clarify the responses to Criteria 3 and 5 on Variance 08-02.

Applicant Presentation:

Chairperson Hauck asked the Applicant to present her request. Sylvia Hobbs stated she resides at 2815 – 105th Avenue SE. In response to the five BOA Variance criteria to Ordinance No. 349, Section 17, Ms. Hobbs summarized the proposed additions meet the variance criteria as follows:

1. In our rainy climate a covered patio is a useful addition. This patio cover will cover an existing patio, fence and built-in wooden seat in place since 1974.

2. The planned cover is wholly contained at the rear of the property, projecting only 12' from the rear house wall and is not visible from the street. Several tall laurels, rhododendrons and other shrubs will screen it from view of the Town Right-of-Way, 70' away. The patio roof on the north side does not project beyond the north wall of the house and does not impede the neighbor's views. No greenery will be removed so therefore it is consistent with the Town's Comprehensive Plan. The minimal intrusion to the north side setback of 1'9" is cantilevered to cover the built-in wooden seat; the supporting posts will not be placed in the setback area and will be on the current patio surface.

3. The residence was built in 1962 before the current zoning laws; at that time, the side setbacks were well within the 5' allowance. The current patio was built to fit in with the rear and side wall; therefore, the north side is currently non-conforming and the requested patio cover is also slightly non-conforming. However, it would be difficult to construct a patio cover over the existing patio that ended 3' short on one side; therefore, a variance is requested for the cover.

4. The patio and tool shed were added in 1974 through a building permit assumed to be conforming at the time, and a variance was not needed.

5. The requested patio cover is the minimum needed to cover the existing patio area and provides the least amount of non-conformity, providing reasonable use of the property.

PUBLIC TESTIMONY

Chairperson Hauck asked if there were any questions for Town Planner Green or the applicant, Ms. Hobbs. Several Board members were concerned about how the cover would look and work. Photos entered as part of Exhibit D along with Ms. Hobbs' explanation clarified those concerns. The photos showed a glass roof (the cover) over the top of the patio supported by a handful of posts attached to the patio and brackets to the roof. She explained the drainage flow into current gutters and drains, the construction process and the timing intermingled with other projects underway on the roof and deck.

Chairperson Hauck then asked for comments from the public. Deputy Clerk Kulp did not receive any written letters to be read into the record, although Ms. Hobbs stated she received verbal support from her north neighbor, Mr. Jim Cooch. Nancy and Bob Solibakke stated they were in support of the patio cover.

Chairperson Hauck closed the second public hearing at 9:42pm.

DISCUSSION of variance request for V08-2:

Board member D'Alessio stated she was amazed the cover was not more attached to the roofline. She expected it to be inconsistent with the Comprehensive Plan, but after seeing it as all glass she feels it is very consistent with the Plan after all as it maintains light, air and open space.

There was discussion in concern for the patio addition in 1974 and the zoning code in effect at the time. Board member D'Alessio summarized it best that in review of the variance request before the Board mention was made of an existing non-conforming overhang into the north side setback. A 5' side setback regulation was in force at the time of construction of this particular overhang covering a tool shed. The overhang was constructed into this 5' side setback making the structure non-conforming. This issue was not before the Board for action. The fact that no action on this non-conforming overhang was taken is not to be construed now or in the future as permission or approval for its continued existence.

Board member Stefan stated support of Criterion 3 as being glass it is visually unobtrusive. Chairman Hauck noted he did not realize the glass was glazed, but thought the glazing would help with the glare and heat.

The Board members have reviewed the application submittal for Variance 08-02 against the five variance criteria of Ordinance No.349, Section 17.

MOTION: Chairman Hauck moved to conduct a VOTE on each of the five criteria needed for this request. Board member D'Alessio seconded.

From the foregoing findings, the board makes the following CONCLUSIONS, for V08-2:

1. The variance will not constitute a grant of special privilege inconsistent with the limitations upon uses of other properties in the Town

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

The Board is unanimous that Criterion 1 is satisfied.

2. The granting of the variance will not be materially detrimental to the public welfare or injurious to other properties or improvements in the Town. It will be consistent with the Town's Comprehensive Plan.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

The Board is unanimous that Criterion 2 is satisfied.

3. The variance is necessary because of special circumstances relating to the size, shape, topography, location, and special features of the subject property.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

The Board is unanimous that Criterion 3 is satisfied.

4. The need for a variance has not arisen from actions previously taken by the applicant (owner).

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

The Board is unanimous that Criterion 4 is satisfied.

5. It is the minimum necessary to permit the applicant (owner) reasonable use of the property.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

The Board is unanimous that Criterion 5 is satisfied.

Variance No. 08-2 does satisfy all five of the variance criteria.

DECISION: MOTION: Based on the foregoing findings and conclusions

Variance No. 08-2 does satisfy the five variance criteria and is hereby approved.

Deputy Clerk Kulp explained to both the Board and all applicant that she would prepare Findings of Fact based on tonight's proceedings and forward them to Town Attorney Wayne Stewart for review and then to Chairman Hauck for review, approval and signature. She added that, when approved, copies of the Findings would be distributed to the Board and the applicant as appropriate.

Board member Stefan then wanted to update the other Board members on the status of the Hearing Request June 2007 on the Zefkeles' tree removal. The Zefkeles' had been approved to remove the tree in question with mitigation to be tied to a building permit. The tree was removed, permits were filed but the property was sold and therefore no permits were ever issued or mitigation completed. Since there was no way to legally require mitigation without a condition of building permit that wasn't issued, Board member Stefan wondered what else we could have done differently. After some discussion, it was agreed unanimously that future such requests would not be granted until a building permit was issued.

Chairman Hauck adjourned the meeting at 10:07pm.

Respectfully submitted,

Angela Kulp
Deputy Clerk

Draft 4/7/08
Final 4/14/08